

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed July 8, 2005. Claims 1-22 are pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. PRIOR ART REJECTIONS

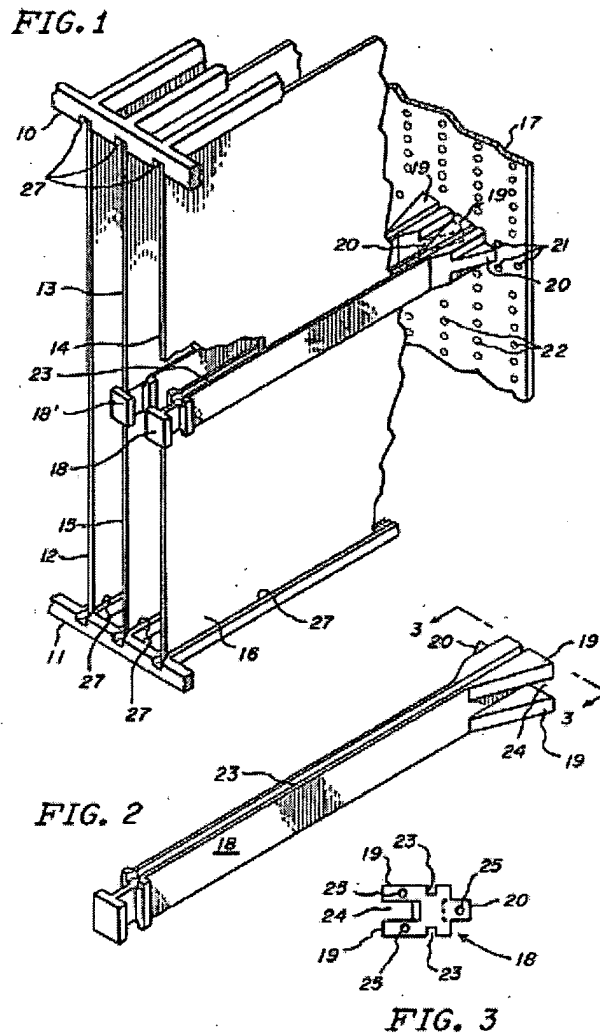
The Applicant notes that the Examiner has not addressed claims 18-22 in the office action. Therefore, although claims 18-22 are indicated as rejected on the PTOL-326 office action summary sheet, a *prima facie* case has not been set forth regarding these claims.

A. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1, 8, and 13 under 35 U.S.C. § 103 (a) as being unpatentable over *Pusateri et al.* (U.S. Patent No. 6,008,995) in view of *Wetherbee* (U.S. Patent No. 4,068,290).

Applicant traverses the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims as purported by the Examiner. The Applicant agrees with the Examiner that *Pusateri* does not teach the card being supported at a location between the side edges. However, the Applicants respectfully disagrees with the assertion on page 2 of the Office Action that *Wetherbee* discloses a card being “supported at a location between the side edges

(18, 18" as shown in Figure 1)." This mischaracterization of Wetherbee is clearly shown by Figures 1-3 of *Wetherbee*, reproduced below:



Referring to Figure 1, *Wetherbee* teaches a portion of a circuit card rack carrying permanent card guides 10 and 11 and stand-alone cantilever card guides 18 and 18'. Col. 2, ll. 34-50. The cantilever card guides 18 and 18' are used to accommodate fractional width cards 13-16. Col. 2, ll. 48-50. In Figure 1, fractional width cards 13, 14, 15, and 16 are supported at their opposing ends only, one end supported by a permanent card guide 10 or 11 and their other ends supported by one of the attachable temporary card guides 18 or 18'. Figure 4 illustrates a cross sectional illustration of the temporary card guide 18 showing oppositely facing grooves 23 for receiving ends of the fractional width card guides 13-16. The opposite ends of card guides 13-16 are received by either one of permanent card guides 10 and 11. Similarly, as shown in

Figure 1, where a full size card 12 is installed there is no attachable cantilever card guide 18. Thus, the full size card is also only supported at its ends by the permanent card guides 10 and 11. Therefore, none of the cards 12-16 are “supported at a location between the side edges” as set forth in the Office action.

To establish a *prima facie* case of obviousness the prior art references must teach or suggest all the claim limitations. MPEP 2143. It is also well established that “every limitation positively recited in a claim must be given effect in order to determine what subject matter that claim defines.” *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970); *See also In re Wilson*, 165 USPQ 494 (CCPA 1970) (“all words in a claim must be considered in judging the patentability of that claim against the prior art”). The Patent Office has not set forth a *prima facie* case of obviousness because the references relied upon do not teach each and every element of the claims. Therefore, Applicant submits that the rejection under 35 U.S.C. 103(a) is improper and respectfully request that the rejection be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, claims 2-7, 9-12, and 14-17 are allowable at least due to their dependency to one of claims 1, 8, or 13.

Regarding the rejection of 2, 9, and 16 over *Pusateri* in view of *Wetherbee*, claims 2, 9, and 16 are allowable at least due to the reasons set forth above. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

Regarding the rejection of claims 3, 11, 12, 14, and 15 under 35 U.S.C. 103(a) over *Pusateri* and *Wetherbee* in view of *Reynol* et al (U.S. Patent No. 3,733,523), claims 3, 11, 12, 14, and 15 are allowable at least due to the reasons set forth above. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

Regarding the rejection of claims 4 and 10 under 35 U.S.C. 103(a) over *Pusateri* and *Wetherbee* in view of *Reynol*, claims 4 and 10 are allowable at least due to the reasons set forth above. Therefore, the Applicant respectfully requests that the rejection be withdrawn. The Applicant also notes that the Examiner has not set forth any motivation or suggestion for

combination of the claimed elements set forth in claims 4 and 10 as required by MPEP 2143. “The showing of a motivation to combine must be clear and particular, and it must be supported by actual evidence.” *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, because the Examiner has not pointed to actual evidence of motivation or suggestion, a *prima facie* case of obviousness has not been set forth.

Regarding the rejection of claims 5 and 17 under 35 U.S.C. 103(a) over *Pusateri* and *Wetherbee* in view of *Reynol*, claims 5 and 17 are allowable at least due to the reasons set forth above. Therefore, the Applicant respectfully requests that the rejection be withdrawn. The Applicant also notes that the Examiner has not set forth motivation or suggestion for combination of the claimed elements set forth in claims 5 and 17 as required by MPEP 2143. Therefore, a *prima facie* case of obviousness has not been set forth.

Regarding the rejection of claim 6 under 35 U.S.C. 103(a) over *Pusateri* and *Wetherbee* in view of *Reynol*, claim 6 is allowable at least due to the reasons set forth above. Therefore, the Applicant respectfully requests that the rejection be withdrawn. The Applicant also notes that the Examiner has not set forth motivation or suggestion for combination of the claimed elements set forth in claim 6 as required by MPEP 2143. Therefore, a *prima facie* case of obviousness has not been set forth.

CONCLUSION

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 5 day of January, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dalt Jones", written over the printed name.

DAVID A. JONES
Registration No. 50,004
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800